IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE NINTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 20574 of 2004

Between:

1 Smt. Peram Sambrajyam, D/o. Peda Govindu,
R/o. 1-4-114/A, Gujjanagundla Centre, Guntur District.
2 Durgam Venkateswar Rao, S/o. Ramaiah,
Z.P.Teacher, R/o. D.No.1-4-116,
Gujjanagundla Centre, Guntur District.

..... PETITIONERS

AND

1 The Superintendent of Prohibition & Excise, Guntur.
2 The Commissioner of Prohibition & Excise, Govt of A.P., Hyderabad.
3 Kasala Venugopal, S/o. Sri Koteswara Rao,
R/o. S.V.N. Colony, Guntur District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue a writ, order or direction more particularly in the nature of writ of Mandamus declaring the action of the respondents 1 and 2 herein in trying to issue a licence to the 3rd respondent herein to run Ajay Meher Wines and Bar in D.No.1-4-118 and 1-4-119 situated in the residential locality of Gujjanagundla Centre, Guntur Town contrary to Rule 29 (I) (iii) of A.P. Indian Liquor and Foreign Liquor Rules of 1970 as being illegal, unjust, arbitrary and violative of Article 14 of the constitution of India and the rules under A.P. Indian Liquor and Foreign Liquor Rules of 1970.

Counsel for the Petitioners: MR.E.V.BHAGIRATHA RAO

Counsel for the Respondents 1 and 2: GP FOR PROHIBITION & EXCISE

The Court made the following :

ORDER:

The petitioners who claim to be the residents of Gujjanagundla Centre, Guntur Town filed this writ petition seeking a declaration that the action of the respondents 1 and 2 in taking steps to issue the licence to the 3rd respondent herein to run Ajay Meher Wines and Bar at Door No.1-4-118 and 1-4-119, is arbitrary and illegal.

The case of the petitioners is that the premises where the Bar is proposed to be located is not in conformity with Rule 29(l)(iii) of the A.P. Indian Liquor and Foreign Liquor Rules, 1970 and therefore the petitioners as well as the other residents of the locality submitted a representation before the 2nd respondent-Commissioner of Prohibition and Excise, Government of A.P., Hyderabad on 03-11-2004. However, the objections raised by the petitioners have not been considered and the 2nd respondent is proceeding further with the request of the 3rd respondent for grant of the licence. Hence, this writ petition.

Having heard the learned counsel for the petitioners and the learned Government Pleader for Prohibition and Excise appearing for the respondents 1 and 2, and on a perusal of the material on record, without expressing any opinion on merits, I deem it appropriate to dispose of the writ petition with a direction to the respondents 1 and 2, to consider the objections raised by the petitioners in their representation dated 03-11-2004, before taking any decision with regard to grant of licence in favour of the 3rd respondent.

Accordingly, the writ petition is disposed of. No costs.

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09-11-2004

vs

To

1 The Superintendent of Prohibition & Excise, Guntur.
2 The Commissioner of Prohibition & Excise, Govt of A.P., Hyderabad.
3 2CCs to the G.P for Prohibition and Excise, High Court Buildings,

Hyderabad(O.U.T).

4 2CD copies